

HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GEOFFREY GRAY, et al.,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, et al.,

Defendants.

No. 2:25-cv-01345

**STIPULATED MOTION AND
ORDER TO PERMIT SECOND
AMENDED COMPLAINT, SET
DEADLINE FOR PARTIES'
JOINT PROPOSAL OF RULE 12
BRIEFING SCHEDULE, AND SET
WORD LIMITS**

NOTE ON MOTION CALENDAR:
August 21, 2025

Pursuant to Civil Local Rules 7(d)(1), 10(g), and Section 5.6 of the Court's Civil Chambers Procedures, Plaintiffs and Defendants Washington State Department of Transportation (WSDOT), Amy M. Scarton, Kimberly Monroe Flag (collectively, "Defendants"), by and through their respective attorneys, hereby move the Court to enter an order permitting Plaintiffs to file a Second Amended Complaint (SAC). Plaintiffs do not concede that a Rule 12 motion will be appropriate following the filing of the SAC, and insist that chambers procedures be followed related thereto,

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1 but do not oppose Defendants' additional request herein setting a deadline for the parties to propose
 2 an associated Rule 12 briefing schedule, and enlarging the word limits such briefing. In support of
 3 the foregoing request for relief, Plaintiffs and Defendants state as follows:

4 1. Plaintiffs originally filed this action in the Superior Court of the State of
 5 Washington for King County. *See* Dkt. 1-2 (Complaint).

6 2. On June 27, 2025, Plaintiffs amended their complaint, adding one additional
 7 defendant, three new causes of action including one federal claim pursuant to 42 U.S.C. § 1983,
 8 and over 148 additional pages of allegations. *See* Dkt. 1-3 (First Amended Complaint or FAC).

9 3. Defendants timely removed the case to this Court on July 17, 2025. Dkt. 1.

10 4. Defendants' current deadline to respond to the FAC is August 22, 2025. Dkt. 7.

11 5. On August 11, 2025, counsel for the parties met and conferred pursuant to Section
 12 5.6 of the Court's Civil Chambers Procedures regarding Defendants' anticipated filing of a motion
 13 to dismiss the FAC. Counsel agreed that the most efficient path forward is for Plaintiffs to further
 14 amend their pleading prior to Defendants filing any motion to dismiss. The parties further agreed
 15 that, given that this action involves 67 Plaintiffs with highly individualized allegations and 8 causes
 16 of action, good cause enlarging the words limits for the parties' briefs.

17 6. Accordingly, the parties stipulate and respectfully move the Court to enter an order
 18 permitting Plaintiffs to file a SAC no later than September 18, 2025, and permitting the parties to
 19 jointly file a proposed Rule 12 briefing schedule by October 2, 2025.

20 7. The parties further stipulate and respectfully move the Court to enter an order
 21 enlarging the Civil Local Rule 7(e)(3) word limits for anticipated motion to dismiss briefing as
 22

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follows:

Brief	Current Word Limit	New Word Limit
Defendants' Motion to Dismiss	8,400 words	13,000 words
Plaintiffs' Opposition to Motion to Dismiss	8,400 words	13,000 words
Defendants' Reply in Support of Motion to Dismiss	4,200 words	7,000 words

STIPULATED TO this 21st day of August, 2025.

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LIMITS- 3

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ORDER

IT IS SO ORDERED.

Dated this 22nd day of August, 2025.


HONORABLE JAMAL N. WHITEHEAD
UNITED STATES DISTRICT JUDGE

Presented by:

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